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March 20, 2003

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Dockets Management System
United States Department of Transportation
Room Plaza - 401
400 Seventh Street, SW
Washington, DC 20590-0001

FMCSA-2002-12334-A

Dear Sir:

The Commercial Vehicle Enforcement Division (CVE) of the Missouri State Highway Patrol is forwarding this correspondence in reply to the request for comments to Docket FMCSA - 2002 - 12334 published Tuesday, February 25, 2003, regarding a Graduated Commercial Driver's License (GCDL). We thank you for the opportunity to comment on this Notice of Inquiry and Request for Comments.

First of all, the CVE Division is responsible for enforcing those Missouri Revised Statutes, Rules and Regulations pertaining to the operation of commercial vehicles in Missouri. This includes the Federal Motor Carrier Safety Regulations found in Title 49, Code of Federal Regulations, Parts 390 through 397, and the Hazardous Materials Regulations in Parts 100 through 185 of Title 49, Code of Federal Regulations. Those rules have been made applicable to both interstate and intrastate transportation in Missouri.

The idea of a Graduated Commercial Driver's License (GCDL) merits investigation. As the commercial driver's license currently exists, a person may pass the written test(s) required and the practical portion (road test) and receive a license to operate a commercial vehicle, regardless of their ability beyond the required testing. Nothing in place currently guarantees a driver can handle their vehicle in a fashion consistent with the intended aim of the commercial driver's license program. The GCDL may be the best measure to address this issued. While our view is positive, there are several issues that need to be addressed, and this will require more study, information, and expense. The expense of administration, more than likely to be borne by the states, could conceivably be immense. Entire licensing programs, testing procedures, oversight and administration may need to

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be overhauled to achieve the goals associated with this type of license. Much of this type of action would mandate a rewriting of state statutes requiring time to work through the various states' legislatures. A new program of this type could be met with reluctance by those legislative bodies in these tough economic times experienced by many states.

The CVE Division wants to impress upon the Federal Motor Carrier Safety Administration the need to consider the current economic situation faced by many states and the changes to current laws already in place. Should this issue go to the rule making phase, it can only be seen as significant. Also, we feel that oversight of a GCDL program should be a strong partnership between federal and state partners, not merely a federal mandate handed down to the states. This should include grant money available to implement and maintain a program and shared oversight responsibilities.

Please find attached our answers and comments to the questions your agency has posed. Thank you for the opportunity to submit our comments regarding a Graduated Commercial Driver's License Program.

Sincerely,

A handwritten signature in black ink, appearing to read "E. D. Hartung", with a large, stylized loop at the end.

E. D. HARTUNG, Captain
Commercial Vehicle Enforcement Division

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**Answers and Comments to Questions Posed In
Docket FMCSA -2002 -12334**

1. Please indicate your primary occupation(s) from the following list:

The Commercial Vehicle Enforcement Division of the Missouri State Highway Patrol is a roadside enforcement authority. The CVE Division has 172 personnel assigned to man twenty-two (22) portable scale vans and thirty (30) scale houses.

2. Do you think a graduated commercial driver's license (GCDL) is needed?

Yes

3. Should issuance of a GCDL be linked to enrollment in a commercial driving training program?

A qualified yes. The CVE Division feels there should be some qualified standard applied to commercial vehicle driving training programs.

4. Should the curricula of a commercial driver training program meet widely endorsed standards for a student to be eligible to receive a GCDL while in training?

Yes. There should be a standard curricula for all commercial vehicle driver training. These standards need to focus on the Federal Motor Carrier Safety Regulations (FMCSR) as well as safe operation of a commercial vehicle. Individuals involved in this type of training should receive qualified instruction in traffic safety or "rules of the road". Formerly, some commercial driver training programs were merely CDL mills, focusing only on that level of competency required to pass a CDL written test and skills test (road test).

5. Approximately how many months/years of entry level training and experience should new drivers receive before "graduating" to an unrestricted CDL?

Drivers should have some type of formal training and graduate to on the job training. The formal training should consist of at least three (3) months class room training focusing on the FMCSR, traffic safety (rules of the road), and off road driving training. The on the job training, or practical experience, should be a six (6) month period, with the trainee progressing to meet specific objectives. This period should begin with the trainee operating in low traffic areas, demonstrating proficiency in the elementary stages of commercial vehicle operation prior to moving to progressively more difficult settings.

6. Should an applicant's past driving record be considered in issuing a GCDL?

Yes. This program's perceived intent is to have safe drivers and promote safe operation. Failing to ensure demonstrated safe operation as a guiding factor would not meet that intent.

7. How many of each of the following types of motor vehicle accidents and convictions within the past 12 months should cause an applicant to be denied a GCDL?

Passenger car or light truck motor vehicle accidents:

No more than 1 at fault of driver accident in a 12 month period.

Traffic violations and citations:

No serious traffic violations as defined in Part 383, Title 49, CFR.

DUI/DWI convictions:

None

Controlled substances convictions:

None

Reckless driving convictions:

None

Other convictions for motor vehicle traffic control violations:

A driver should not be suspended, revoked, etc.

8. Should penalties for drivers holding a GCDL, who have at-fault accidents or moving violations, be more severe than those for drivers with an unrestricted CDL?

If a driver has an at-fault accident or serious violation as defined in the FMCSR, the driver should have their GCDL privilege withdrawn.

9. How many months/years of passenger car or light truck driving experience should an applicant have before being issued a GCDL?

Missouri has an intermediate license for teenage drivers. These drivers are required to have driving experience before being able to obtain a full license

privilege at age 18. Any GCDL program would need to consider these programs and base experience requirements accordingly. Possibly one (1) year following issuance of full driving privileges. Not all states have this type of program for teenage drivers, therefore, the CVE Division does not feel it to be unreasonable to require a longer period of time to receive experience in those cases.

10. Which of the following restrictions should apply to entry level drivers operating under a GCDL?

Reduced hours of service:

The program should allow a gradual acclimation period working toward full hours of service.

Limitations on equipment type (e.g. doubles/triples, tank vehicles, motor coaches, etc.)

The program should not allow operation of doubles/triples, tank vehicles, nor motor coaches.

Limitations on types of cargo (e.g. hazardous materials, livestock, liquids, etc):

The program should restrict GCDL applicants from transporting hazardous materials, livestock, liquids, passengers and other cargoes subject to sudden or easy shifting or movement.

Limitations on weather and visibility conditions (e.g. ice, snow, fog, night driving):

The program should allow GCDL applicants an opportunity to gain experience in all types of conditions. The CVE Division foresees this as an ability to gain experience with a person with a valid full CDL privilege in the vehicle with a GCDL applicant.

Limitations on geography or terrain features (e.g. mountains):

The program should allow GCDL applicants an opportunity to gain experience in all terrains. Additionally, mountainous states may not be able to participate fully in this program should terrain be a limiting factor.

Limitations on distance or types of highways (e.g. miles per day):

The program should allow GCDL applicants an opportunity to gain experience on all types of highways. Additionally, an hours of service limitation could limit the number of miles driven.

Other

No comment at this time.

11. Should a fully licensed CDL driver be required to accompany and observe a driver with a GCDL? If yes, for how many weeks/months/years?

Yes. Is the program intended to replace the current allowance of a CDL Learner's Permit? The CVE Division feels a six (6) month period of on the road experience should be required with a driver/trainer that has been trained in the GCDL program, and that team should be closely monitored during the duration of the applicant's program.

12. What is the minimum age at which an applicant should be eligible to receive a Graduated CDL?

Since Missouri has an intermediate license program for teenage drivers until the age of eighteen (18), the CVE Division would like to see a full year of driving experience operating following a full license issuance. However, not all states have an intermediate license program, but it should be necessary for GCDL applicants to have a period between becoming a licensed driver and becoming a GCDL applicant.

13. Assuming that training requirements are met, what is the minimum age at which the holder of a graduated CDL should be eligible to graduate to an unrestricted CDL?

Rather than trying to arrive at a minimum age figure, the CVE Division feels that a GCDL applicant should be able to graduate to a full CDL privilege following no less than nine (9) months after entering the GCDL program. Trying to arrive at an age minimum would neglect those drivers that may enter the transportation industry at a later point in life. Just because an individual that falls in this category may have more experience behind the wheel of an automobile or light truck does not mean they will automatically be able to make the shift to driving a large commercial vehicle.

The nine (9) month term arrived at by the CVE Division takes into account a three (3) month class room and off road driving training program and six (6) months on the road experience.

14. How much testing (knowledge and road test) should be given to GCDL holders prior to issuing an unrestricted CDL?

The CVE Division feels that a GCDL program should be a progressive program, where the GCDL applicant demonstrates proficiency in one skill area

before moving on to more difficult tasks. Therefore, periodic testing should be incorporated into the program. This allows those people responsible for their training to gauge the depth of understanding of the trainee. Successful completion of the preceding phase and test would be required prior to the applicant moving to the next phase. A possible scenario could include periodic tests throughout the three (3) month class room training, passing a written and road test to obtain a GCDL, successfully fulfill the requirements of a six (6) month on the road training program, then pass a written and road test for a full CDL privilege.

15. What other factors do you feel must be addressed in the implementation of a graduated CDL program?

Certainly state programs that currently exist. Any GCDL program would have to fit sufficiently as to not cause a burden. The CVE Division recommends close examination of third party testers and consider doing away with those. If that is not possible or practicable, then very close monitoring of all person involved in a GCDL program should be seen as necessary for success.

Is this program intended to do away with temporary CDL Learner's Permits? Is this program intended to include those drivers twenty-one (21) years of age and older? The CVE Division feels this program should include all new drivers, regardless of age.

There should be a mandatory basic driver training program with standard curricula and specific standard objectives that need to be met during both class room training and road experience phase.

16. What costs would you or your organization anticipate incurring if a GCDL program is implemented?

If the states will bear the responsibility for program administration and oversight, the costs could be substantial. New computer infrastructure would probably be required for electronic tracking as well as new personnel required to provide program oversight. Legislative changes and re-writes could prolong the process as well as add to administrative expenses.

Training any new personnel would raise the costs associated with this process, whether they be in administration, oversight, testing or enforcement.